

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

| | | |
|------------------------|---|------------------|
| DEAN E. MAHONE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | 2:16cv988-MHT |
| |) | (WO) |
| JEFFERSON S. DUNN, |) | |
| Commissioner, ADOC, et |) | |
| al., |) | |
| |) | |
| Defendants. |) | |

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state inmate, filed this lawsuit asserting that the defendant correctional officials violated his Eighth Amendment rights by failing to protect him from being stabbed by another inmate. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motion for summary judgment be granted as to plaintiff's federal claims and that the court decline to exercise supplemental jurisdiction over plaintiff's state claims and dismiss those claims without prejudice. Also before the court are plaintiff's objections to the recommendation, in which

he takes issue with several aspects of defendants' filings and the recommendation. The court agrees with plaintiff that defendants' duty roster (doc. no. 34-1) seems to show that there was only one officer assigned to plaintiff's dorm at the time of the attack; the court therefore sustains the objection to that extent. Nevertheless, plaintiff has failed to submit sufficient evidence--as opposed to unsworn argument--to meet his burden on summary judgment. Accordingly, after an independent and de novo review of the record, the court concludes that plaintiff's remaining objections should be overruled and the magistrate judge's recommendation adopted.

An appropriate judgment will be entered.

DONE, this the 29th day of January, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE